UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,876	02/20/2002	Mark Thomas Lavelle	9623E-035100	9901

20350 7590 12/02/2003

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER	
SOBUTKA, PHILIP	

ART UNIT	PAPER NUMBER
2684	7

DATE MAILED: 12/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.

EXAMINER	
ART UNIT	PAPER
	7

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Office Action Summary	Application No. 10/081,876	Applicant(s) LAVELLE ET AL.	
	Examiner Philip J. Sobutka	Art Unit 2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 September 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☑ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☒ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. Claims 1,2,4,5,14-16, are rejected under 35 U.S.C. 102(b) as being anticipated by Cortopassi et al (US 5,974,558)

Consider claim 1. Cortopassi teaches a wireless interface for linking with a host comprising: a transceiver for exchanging data with a host transceiver connected to the host (Cortopassi see especially fig 1, items 116, col 4, lines 10-34); a processor connected with the transceiver to process data from the host and the interface (Cortopassi see especially fig 1, item 112, col 5, lines 3-15); and a power circuit connected with the processor to regulate the power usage of the interface wherein the power circuit comprises a battery (Cortopassi see especially fig 4, item 131), computer readable media (Cortopassi see especially col 6, line 62 – col 7, line 4) having computer instructions monitoring the operational state of the interface and controlling the operation of the interface using the state of the interface (Cortopassi see especially col 6, line 58- col 11, line 22). Note that the Cortopassi's interface of course inputs control information to an application being run by the host computer.

As to claims 2, 16, note that Cortopassi teaches keeping the interface at a lower power level when the transceiver is not exchanging data (Cortopassi see especially col 9, lines 60-66).

As to claim 4, note that Cortopassi teaches reducing power if the interface has been idle for a predetermined time period (Cortopassi see especially col 6, line 58- col 11, line 22).

As to claim 5, note that Cortopassi teaches powering up in response to an input (Cortopassi col 9, lines 1-60) and has a routine for establishing links with the host (Cortopassi see especially col. 11, lines 23-43).

As to claims 14,15, note that Cortopassi teaches monitoring and displaying status of the device (Cortopassi see figures 31-36, col 50, lines 15-55), and a screen saver for deactivating the display after a predetermined time (Cortopassi see especially figs 39, 40).

Claim Rejections - 35 USC § 103

2. Claims 9-13,18,19,20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cortopassi in view of Shahoian et al (US 2002/0033795).

Cortopassi teaches everything claimed except for a motor for providing force, also known as haptic feedback to the operator of the interface, and a battery level monitor for reducing the power for haptic feedback when the battery power is below a level. Shahoian teaches a wireless interface, namely a touch pad with motor for haptic feedback for game play (Shahoian, see especially paragraph 48) which can be reduced or even turned off based on power level (Shahoian para. 183) Shahoian teaches that this conserves battery power in the device (Shahoian para. 183), while enhancing the user experience by providing haptic feedback when using the device (Shahoian para. 006, 007). Note that Shahoian's battery monitor also indicates the battery level (Shahoian para 183). It would have been obvious to one of ordinary skill in the art to modify the interface of Cortopassi to provide haptic feedback with the battery level

monitor and adjustment as taught by Shahoian in order to enhance the user experience by providing force feedback while conserving battery power.

As to claim 19, note that the touch pad of Cortopassi in view of Shahoian when operating a game would be a "game pad", see comments below.

3. Claims 3, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cortopassi in view of Gurantz et al (US 4837786).

Cortopassi teaches everything claimed except for using a lower data rate to maintain synchronization. Gurantz teaches using high data rate for information exchange, while lower data rates are used maintain synchronization. Gurantz teaches that the lower data rate is more resistant to interference; therefore the device is more likely to remain synchronized (Gurantz col 3, lines 30-51). It would have been obvious to one of ordinary skill in the art to modify Cortopassi to use a high data rate for information exchange, while lower data rates are used maintain synchronization as taught by Gurantz since the device is more likely to maintain synchronization using the lower data rate.

4. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cortopassi in view of Green et al (US 4531740).

Cortopassi teaches everything claimed except for using a voltage regulator to lower or increase the power output from the battery. Green teaches using a voltage regulator to maintain stable output from a battery in a wireless device (Green col 6, lines 8-24) it would have been obvious to one of ordinary skill in the art to modify Cortopassi

to use a voltage regulator to lower or raise the output from the battery in order to ensure a stable output from the battery as taught by Green.

Response to Arguments

5. Applicant's arguments filed September 8, 2003 have been fully considered but they are not persuasive.

Applicant argues that Cortopassi does not teach a peripheral input device, rather a pen based portable computer. Note that Cortopassi device includes a host computer with a wireless interface device including a graphical user interface (GUI). Input to the interface is via a passive stylus (Cortopassi see especially col 3, line 55 – col 4, line 5). In other words, Cortopassi's device is a wireless touch screen pad for a remote computer. It allows the user to input to the remote host by touching the screen with the passive stylus (Cortopassi see Figure 36, col 6, lines 1-20). This is clearly a "wireless input device".

Regarding claim 19, note that the term "said device is a mouse, game pad or joystick" is presented in the alternative. Therefore only one of the claimed alternatives need be shown in the references in order to properly reject the claim.

Conclusion

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J. Sobutka whose telephone number is 703-305-4825. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Philip Sobutka

Pjs
November 24, 2003

NAY MAUNG
SUPERVISORY PATENT EXAMINER